

*“Political Advertising” includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.*

# General Requirements

**Sponsor ID:** Written ads must identify the sponsor’s name and address unless exempt.\*

**Exempt From Sponsor ID:** Yard signs (8' x 4' or smaller) and some other items are exempt. See list at far right.

**Broadcast Ads:** Radio and TV ads must state the sponsor’s full name, but not the address.\*

**Party Affiliation:** All forms of advertising must clearly state a candidate’s party affiliation if the candidate is seeking partisan office. This requirement applies regardless of whether the ad is sponsored by the candidate or someone else.

**Size and Placement:** See back side of brochure for size and placement criteria regarding sponsor and party ID.

**Photographs:** If candidate photos are used in any ad, at least one of them must have been taken within the last 5 years and be no smaller than the largest candidate photo in the ad.

**Office Sought:** State law does not require ads to include the office or position a candidate is seeking.

\*Advertising that qualifies as an “independent expenditure” is subject to different sponsor ID requirements (unless the sponsor is a political party). See reverse side.

# The Law Forbids:

- Using an assumed name when identifying the sponsor.
- Sponsoring an ad that contains a false statement of material fact about a candidate (unless a candidate is making statements about him or herself).
- Falsely claiming or implying a person or group supports or endorses a candidate when they do not.
- Falsely representing a candidate as the incumbent. (On letterhead, yard signs and other forms of advertising, **non-incumbents must actually state they’re seeking the office:** e.g., Mary Smith for State Senate or Elect Mary Smith State Senator.)
- Distributing campaign material deceptively similar in design or appearance to the voters and candidates pamphlets published by the Secretary of State.
- Using the state seal or its likeness to assist or defeat a candidate.

*These definitions apply in political ads:*

*“Incumbent” means a person who now holds an elected office.*

*“Re-elect” represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.*

*“Retain” irepresents that the candidate is the imcumbent but does not imply that the candidate attained the office by election.*

*“Return” represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was attained by election.*

*“**Sponsor**” means the candidate, committee or other person who pays for the advertisement. If a person acts as an agent for another or is reimbursed for payment, the original source of the payment is the sponsor.*

*To identify the sponsor, use the words “Paid for by” or “Sponsored by” followed by the name and address of the sponsor.\**

# What’s Needed for Sponsor ID

**State, Local & Judicial Candidates**—show the candidate’s name and address or the candidate’s committee name and address.

**Federal Candidates**—only subject to federal law. (Contact FEC at 1-800-424-9530)

**Political committees**—show the committee’s name and address. The treasurer’s name is not required.\*

**Organizations or businesses**—show the organization or business name and address. President’s or treasurer’s name is not required.\*

**Multiple sponsors**—show each sponsor’s name and address. If one person pays for printing and another pays for mailing, list both as sponsors.\*

**Printed ads**—show the sponsor’s name, mailing address and, if applicable, the candidate’s party affiliation in an area apart from the ad text. If the ad is more than one page, identify the sponsor (and party) on the first page. Identification on a mailing envelope is optional; it’s the ad enclosed in the envelope that must be properly identified.\*

**Radio and TV ads**—clearly say the sponsor’s name. Address not required.\* Also comply with Federal Communications Commission requirements.

\*Advertising that qualifies as an “independent expenditure” is subject to different sponsor ID requirements (unless the sponsor is a political party). See reverse side.

# Items Exempt from Sponsor ID

- |                                       |  |
|---------------------------------------|--|
| ashtrays                              | newspaper ads (one column inch or smaller) |
| badges & badge holders                | noisemakers                                |
| balloons                              | official state or local voter pamphlets    |
| bingo chips                           | paper & plastic cups                       |
| brushes                               | paper & plastic plates                     |
| bumper stickers (4" x 15" or smaller) | paper weights                              |
| business cards                        | pencils                                    |
| buttons                               | pendants                                   |
| cigarette lighters                    | pens                                       |
| clothes pins                          | pinwheels                                  |
| clothing                              | plastic tableware                          |
| coasters                              | pocket protectors                          |
| combs                                 | pot holders                                |
| cups                                  | reader boards with moveable letters        |
| earrings                              | ribbons                                    |
| emery boards                          | rulers (12" or smaller)                    |
| envelopes                             | shoe horns                                 |
| erasers                               | skywriting                                 |
| frisbees                              | staple removers                            |
| glasses                               | stickers (2-3/4" x 1" or smaller)          |
| golf balls & tees                     | sun glasses                                |
| hand-held signs                       | sun visors                                 |
| hats                                  | swizzle sticks                             |
| horns                                 | tickets to fund raisers                    |
| ice scrapers                          | water towers                               |
| inscriptions                          | whistles                                   |
| key rings                             | yard signs (8' x 4' or smaller)            |
| knives                                | yo-yo's                                    |
| labels                                | all similar items                          |
| letter openers                        |  |
| magnifying glasses                    |  |
| matchbooks                            |  |
| nail clippers & files                 |  |

# ID Size and Placement

According to state law, on written or printed political advertising, the sponsor's full name and address and the candidate's party affiliation must:

- appear on the first page of the communication in at least 10 point type, or
- for ads such as billboards or posters, appear in type at least 10% of the largest size type used in the ad, and
- not be screened or half-toned (i.e., not made lighter through some printing or photographic process), and
- be set apart from any other ad text.

**In any radio or TV political ad, the sponsor's full name and candidate's party identification must be clearly spoken, and comply with FCC rules.**

Check with the station for Federal Communication Commission (FCC) rules applying to broadcast ads or call FCC at (202) 418-1440.

## Abbreviations

The following abbreviations may be used in advertising. PDC believes they clearly identify political party affiliation.

**Communist**—Com

**Democrat**—D, Dem, Demo

**Independent or unaffiliated**—Ind, Indep

**Libertarian**—Lib

**Republican**—R, GOP, Rep (Use the latter only when it could not erroneously imply the candidate is a State Representative.)

**Socialist**—Soc

**Socialist Workers**—Soc Workers, SWP

Official symbols or logos adopted by the state committee of the party may be used in lieu of other identification; a copy of the symbol or logo should be provided to PDC.

# Independent Expenditure Advertising

Political advertising that meets **all** of the following criteria must include more details about the sponsor(s):

- 1) the ad supports or opposes a candidate for state or local office;
- 2) the ad is paid for by someone other than a candidate, a candidate's committee or agent;
- 3) the sponsor does the advertising completely independently of any candidate supported in the ad (or the opponent of the candidate opposed), or a candidate's committee or agent;
- 4) the sponsor did not receive the candidate's encouragement or approval to do the ad; and
- 5) the ad costs at least \$575, or the cost of this ad when combined with the cost of earlier ads supporting or opposing the candidate total \$575 or more.

**If all 5 conditions are met and the sponsor is other than a political party, the ad must contain the following:**

"NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state.)"

Further, if this type of ad is sponsored by a political committee or PAC, the following must also appear: "Top Five Contributors" followed by a list of the names of the five persons or entities making the largest contributions to the PAC during the 12 months before the ad runs.

Both the "Notice to Voters" and "Top Five Contributors" messages must comply with the ID Size and Placement standards noted above.

If independent expenditure advertising is in the form of yard signs, bumper stickers, skywriting or other items exempt from sponsor ID (as discussed on the reverse), these ads are also exempt from the Notice to Voters and Top Five Contributors requirements.

**MAILINGS:** Any person or entity, except a political party or political committee, that in one calendar year mails 1,000 identical or nearly identical pieces of advertising supporting or opposing a candidate or ballot measure as an independent expenditure must provide the appropriate county auditor with a copy of the ad and written notice of the number of pieces mailed within two working days of the mailing. Contact PDC for more information.

**REPORTING INDEPENDENT EXPENDITURES:** Anyone (except a committee already filing with PDC) that spends \$100 or more supporting or opposing a candidate or ballot measure—and the expenditures are not made in conjunction with a candidate or ballot issue committee—must file independent expenditure reports (Form C-6).

In addition, any business, union, association or other entity that during one calendar year makes independent expenditures totaling over \$575 supporting or opposing state office candidates and statewide ballot measures must also file Form C-7 (unless the entity reports the expenditures as a PAC or lobbyist employer).

## Effect of U.S. Supreme Court Decision

The sponsor's name and address may be left off a political ad that meets all of the following criteria:

- The sponsor is an individual acting on his or her own behalf, independent of any candidate, political committee or organization, who personally produces and distributes the ad (or pays for it to be produced or distributed) and who receives no donations from others to assist with this effort;
- The ad supports or opposes a state-wide or local ballot proposition (not a candidate) and costs less than \$100 total to produce and distribute and
- The ad is in writing (e.g., letter, flyer, etc.) but does not appear in a newspaper, other publication or an electronic medium, and it is distributed no later than 10 days before the election.

# Political Advertising

